

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CHAD R. WHEELER,

Petitioner,

vs.

Civil Action 2:10-CV-1127  
Judge Frost  
Magistrate Judge King

WARDEN, MADISON CORRECTIONAL  
INSTITUTION,

Respondent.

ORDER

On July 6, 2011, the United States Magistrate Judge recommended that respondent's motion to dismiss the action for failure to exhaust state court remedies be granted. *Report and Recommendation*, Doc. No. 12. Although the parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so, there has nevertheless been no objection.

The *Report and Recommendation*, Doc. No. 12, is **ADOPTED and AFFIRMED**. Respondent's motion to dismiss, Doc. No. 9, is **GRANTED**.

This action is hereby **DISMISSED**, without prejudice, for failure to exhaust state court remedies.

The Clerk shall enter **FINAL JUDGMENT**.

/s/ Gregory L. Frost  
Gregory L. Frost  
United States District Judge